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General Assembly

Fifty-sixth session

Official Records

39th plenary meeting
Wednesday, 7 November 2001, 10 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Botnaru (Republic of Moldova), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

The Acting President: Before proceeding to the item on our agenda for this morning, I should like to make an announcement concerning the programme for Friday and Saturday, 9 and 10 November 2001.

I should like first to inform members that at noon on Friday, 9 November 2001, in the General Assembly Hall there will be an informal segment to hear eminent persons who have been selected by the Secretary-General to work for the Dialogue among Civilizations. Delegations are invited to attend this informal segment.

I should also like to inform members that at the plenary meeting to be held on Saturday, 10 November, at 9 a.m., the Secretary-General will make a statement at the outset of the meeting. May I also remind members that the time limit for statements in the general debate this year is 15 minutes.

Agenda item 16

Elections to fill vacancies in subsidiary organs

(a) Election of the members of the International Law Commission

Notes by the Secretary-General concerning the candidates (A/56/117 and Corr.1 and Add.1-3)

Note by the Secretary-General concerning the consolidated list of candidates (A/56/486 and Corr.1)

Notes by the Secretary-General concerning the statements of qualifications of candidates (A/56/124 and Add.1)

The Acting President: In accordance with the provisions of chapter I of the statute of the International Law Commission, the 34 members of the Commission are to be elected by the General Assembly for a five-year term of office, beginning on 1 January 2002, from a list of candidates nominated by the Governments of States Members of the United Nations. The members of the Commission are eligible for re-election. The present membership of the Commission is set out in the annex to document A/56/117 of 21 June 2001.

The notes by the Secretary-General concerning the candidates are contained in documents A/56/117 and Corr.1 and Add.1-3.

Members will recall that the Assembly, at its 31st plenary meeting, on 26 October 2001, decided to request the Secretary-General to issue a consolidated list incorporating new candidates and additional information on candidates received subsequent to the deadline for the submission of nominations.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

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In this connection, the Assembly now has before it the note by the Secretary-General contained in document A/56/486 of 30 October 2001 and Corr.1, which consolidates in alphabetical order the candidates nominated by Governments of States Members of the United Nations for election to the International Law Commission. There is a total of 45 candidates eligible in this election.

The notes by the Secretary-General concerning the statements of qualifications of candidates are contained in document A/56/124 and Add.1.

I should like to recall for members that, in accordance with the statute, the persons to be elected to the International Law Commission should individually possess the qualifications required. They should be "persons of recognized competence in international law". The statute also provides that in the Commission as a whole, representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Pursuant to paragraph 3 of General Assembly resolution 36/39 of 18 November 1981, the 34 members should be elected as follows: nine nationals from African States, eight nationals from Asian States, three nationals from Eastern European States, six nationals from Latin American and Caribbean States, and eight nationals from Western European and other States. The ballot papers reflect this pattern.

I should like to inform members that the number of those candidates, not exceeding the number of seats to be filled, receiving the greatest number of votes and not less than a majority of the votes of the Member States present and voting shall be declared elected. In the case of a tie vote for a remaining seat, there will be a special restricted ballot limited to those candidates who have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The Acting President: In accordance with rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the vote.

Ballot papers marked A, B, C, D and E will now be distributed. I request the representatives to use only those ballot papers. Representatives are requested to place a cross to the left of the names of the candidates for whom they wish to vote. Representatives may vote only for those candidates whose names appear on the ballot papers, but for no more than the number of seats allocated to each region. A ballot paper containing more votes than the number of seats allocated to the relevant region will be declared invalid. Let me repeat: representatives are requested to place a cross to the left of the names of the candidates for whom they wish to vote. Representatives may vote only for those candidates whose names appear on the ballot papers, but for no more than the number of seats allocated to each region.

Accordingly, please ensure that the ballot papers marked A, for African States, do not contain votes for more than nine candidates; the ballot papers marked B, for Asian States, do not contain votes for more than eight candidates; the ballot papers marked C, for Eastern European States, do not contain votes for more than three candidates; the ballot papers marked D, for Latin American and Caribbean States, do not contain votes for more than six candidates; and the ballot papers marked E, for Western European and other States, do not contain votes for more than eight candidates.

At the invitation of the Acting President, Ms. Turnquest (Bahamas), Ms. Burke (Barbados), Mr. Trifunović (Bosnia and Herzegovina), Ms. Hanson (Canada), Mr. Al-Awdi (Kuwait) and Mr. Kamara (Sierra Leone) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.40 a.m. and resumed at 1.10 p.m.

The Acting President: The result of the voting is as follows:

Group A — African States	
Number of ballot papers:	178
Number of invalid ballots:	0
Number of valid ballots:	178
Abstentions:	2
Number of members voting:	176
Required majority:	89

Number of votes obtained:

Mr. Christopher John Dugard (South Africa)	159
Mr. Pedro Comissario Afonso (Mozambique)	157
Mr. Emmanuel Akwei Addo (Ghana)	154
Mr. James L. Kateka (United Republic of Tanzania)	151
Mr. Adegoke Ajibola Ige (Nigeria)	145
Mr. Guillaume Pambou-Tchivounda (Gabon)	138
Mr. Maurice Kamto (Cameroon)	137
Mr. Fathi Kemicha (Tunisia)	132
Mr. Salifou Fomba (Mali)	117
Mr. Peter C.R. Kabatsi (Uganda)	111
Mr. Ali Abdulrahman Dawi (Libyan Arab Jamahiriya)	98

Group B — Asian States

Number of ballot papers:	178
Number of invalid ballots:	1
Number of valid ballots:	177
Abstentions:	0
Number of members voting:	177
Required majority:	89

Number of votes obtained:

Mr. Chusei Yamada (Japan)	139
Mr. Ali Mohsen Fetais Al-Marri (Qatar)	133
Mr. Pemmaraju Sreenivasa Rao (India)	133
Ms. Xue Hanqin (China)	132
Mr. Choung Il Chee (Republic of Korea)	131
Mr. Husain M. Al-Baharna (Bahrain)	120
Mr. Riad Daoudi (Syrian Arab Republic)	108
Mr. Kriangsak Kittichaisaree (Thailand)	104
Mr. Djamchid Momtaz (Islamic Republic of Iran)	104
Mr. Raul Ilustre Goco (Philippines)	74
Mr. Nikolai Akuyev (Kazakhstan)	60
Mr. Surya Subedi (Nepal)	60
Mr. Michel J. Tueni (Lebanon)	53

Group C — Eastern European States

Number of ballot papers:	178
Number of invalid ballots:	0
Number of valid ballots:	178
Abstentions:	2
Number of members voting:	176
Required majority:	89

Number of votes obtained:

Mr. Peter Tomka (Slovakia)	159
Mr. Zdzislaw W. Galicki (Poland)	137
Mr. Valery I. Kuznetsov (Russian Federation)	131
Mr. Teodor Viorel Melescanu (Romania)	83

Group D — Latin American and Caribbean States

Number of ballot papers:	178
Number of invalid ballots:	2
Number of valid ballots:	176
Abstentions:	1
Number of members voting:	175
Required majority:	88

Number of votes obtained:

Mr. João Clemente Baena Soares (Brazil)	157
Mr. Bernd H. Niehaus (Costa Rica)	144
Mr. Enrique J. A. Candioti (Argentina)	131
Mr. Bernardo Sepúlveda (Mexico)	130
Mr. Didier Opertti Badan (Uruguay)	124
Mr. Victor Rodríguez-Cedeño (Venezuela)	119
Mr. Fernando Hinestrosa (Colombia)	111
Mr. Mauricio Herdocia Sacasa (Nicaragua)	91

Group E — Western European and other States

Number of ballot papers:	178
Number of invalid ballots:	0
Number of valid ballots:	178
Abstentions:	0
Number of members voting:	178
Required majority:	90

Number of votes obtained:

Mr. Bruno Simma (Germany)	161
Ms. Paula Escarameia (Portugal)	155
Mr. William Mansfield (New Zealand)	154
Mr. Alain Pellet (France)	154
Mr. Ian Brownlie (United Kingdom of Great Britain and Northern Ireland)	153
Mr. Martti Koskenniemi (Finland)	153
Mr. Giorgio Gaja (Italy)	152
Mr. Robert Rosenstock (United States of America)	134
Mr. Constantine P. Economides (Greece)	125

Having obtained the required majority and the greatest number of votes, Mr. Emmanuel Akwei Addo (Ghana), Mr. Husain M. Al-Baharna (Bahrain), Mr. Ali Mohsen Fetais Al-Marri (Qatar), Mr. João Clemente Baena Soares (Brazil), Mr. Ian Brownlie (United Kingdom of Great Britain and Northern Ireland), Mr. Enrique Candioti (Argentina), Mr. Choung Il Chee (Republic of Korea), Mr. Pedro Comissario Afonso (Mozambique), Mr. Riad Daoudi (Syrian Arab Republic), Mr. Christopher John Dugard (South Africa), Ms. Paula Escarameia (Portugal), Mr. Salifou Fomba (Mali), Mr. Giorgio Gaja (Italy), Mr. Zdzislaw Galicki (Poland), Ms. Xue Hanqin (China), Mr. Adegoke Ajibola Ige (Nigeria), Mr. Maurice Kamto (Cameroon), Mr. James L. Kateka (United Republic of Tanzania), Mr. Fathi Kemicha (Tunisia), Mr. Martti Koskenniemi (Finland), Mr. Valery I. Kuznetsov (Russian Federation), Mr. William Mansfield (New Zealand), Mr. Bernd H. Niehaus (Costa Rica), Mr. Didier Opertti Badan (Uruguay), Mr. Guillaume Pambou-Tchivounda (Gabon), Mr. Alain Pellet (France), Mr. Pemmaraju Sreenivasa Rao (India), Mr. Victor Rodríguez-Cedeño (Venezuela), Mr. Robert Rosenstock (United States of America), Mr. Bernardo Sepúlveda (Mexico), Mr. Bruno Simma (Germany), Mr. Peter Tomka (Slovakia) and Mr. Chusei Yamada (Japan) were elected members of the International Law Commission for a five-year term of office beginning on 1 January 2002.

The Acting President: There remains one seat to be filled from among the Asian States. Two candidates from the Group of Asian States — Mr. Kriangsak Kittichaisaree of Thailand and Mr. Djamchid Momtaz of the Islamic Republic of Iran — have obtained an equal number of votes. We shall therefore proceed to a special restricted ballot limited to those two candidates.

Ballot papers marked "B" for the Asian States will now be distributed. May I request representatives to place a cross to the left of the name of the one candidate for whom they wish to vote. Ballot papers containing any name other than Mr. Kriangsak Kittichaisaree of Thailand or Mr. Djamchid Momtaz of the Islamic Republic of Iran, and any ballot containing more than one vote, will be declared invalid.

At the invitation of the President, Ms. Turnquest (Bahamas), Ms. Burke (Barbados), Mr. Trifunović (Bosnia and Herzegovina), Mr. Al-Awdi (Kuwait), Mr. Phiri (Malawi) and Mr. Kamara (Sierra Leone) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 1.30 p.m. and resumed at 1.50 p.m.

Group of Asian States

Number of ballot papers:	174
Number of invalid ballots:	0
Number of valid ballots:	174
Abstentions:	0
Number of members voting:	174
Required majority:	88
Number of votes obtained:	
Mr. Djamchid Momtaz (Islamic Republic of Iran)	89
Mr. Kriangsak Kittichaisaree (Thailand)	85

The Acting President: Having obtained the required majority, Mr. Djamchid Momtaz (Islamic Republic of Iran) has been elected a member of the International Law Commission for a five-year term of office beginning on 1 January 2002.

Having obtained the required majority, the following 34 persons have thus been elected members of the International Law Commission for a five-year term of office beginning on 1 January 2002: Mr. Emmanuel Akwei Addo (Ghana), Mr. Husain Al-Baharna (Bahrain), Mr. Ali Mohsen Fetais Al-Marri (Qatar), Mr. João Clemente Baena Soares (Brazil), Mr. Ian Brownlie (United Kingdom of Great Britain and Northern Ireland), Mr. Enrique J. A. Candioti (Argentina), Mr. Choung Il Chee (Republic of Korea), Mr. Pedro Comissario Afonso (Mozambique), Mr. Riad Daoudi (Syrian Arab Republic), Ms. Paula Escarameia (Portugal), Mr. Salifou Fomba (Mali), Mr. Giorgio Gaja (Italy), Mr. Zdislaw Galicki (Poland), Ms. Xue Hanqin (China), Mr. Adegoke Ajibola Ige (Nigeria), Mr. Maurice Kamto (Cameroon), Mr. James Kateka (United Republic of Tanzania), Mr. Fathi Kemicha (Tunisia), Mr. Martti Koskenniemi (Finland), Mr. Valery Kuznetsov (Russian Federation), Mr. William Mansfield (New Zealand), Mr. Djamchid Momtaz (Islamic Republic of Iran), Mr. Bernd Niehaus (Costa Rica), Mr. Didier

Opertti Badan (Uruguay), Mr. Guillaume Pambou-Tchivounda (Gabon), Mr. Alain Pellet (France), Mr. Pemmaraju Sreenivasa Rao (India), Mr. Victor Rodriguez-Cedeño (Venezuela), Mr. Robert Rosenstock (United States of America), Mr. Bernardo Sepulveda (Mexico), Mr. Bruno Simma (Germany), Mr. Peter Tomka (Slovakia) and Mr. Chusei Yamada (Japan).

The Acting President: I congratulate the persons who have just been elected to the International Law Commission, and I thank the tellers for their assistance in this election.

The Assembly has thus concluded its consideration of sub-item (a) of agenda item 16.

The meeting rose at 1.55 p.m.